

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 YEMISI AKINYEMI,

5 Plaintiff,

6 -against-

7 MICHAEL CHERTOFF, SECRETARY
8 DEPARTMENT OF HOMELAND SECURITY,

9 Defendant.
10 ----- -x

11 DEPOSITION of AKINTUNDE OLUBUKOLA SEWEJE

12 AKINYEMI, taken by Defendant at the offices of the U.S.
13 Attorney, 86 Chambers Street, 3rd Floor, New York, New
14 York, on Friday, November 16, 2007, commencing at 11:31
15 a.m., before Elizabeth Santamaria, a Certified Shorthand
16 (Stenotype) Reporter and Notary Public within and for
17 the State of New York.
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A P P E A R A N C E S:

LAW OFFICES OF K.C. OKOLI, P.C.
Attorneys for Plaintiff
330 Seventh Avenue, 15th Floor
New York, New York 10001

BY: KENECHUKWU CHUDI OKOLI, Esq., of Counsel

UNITED STATES ATTORNEY'S OFFICE
BUDGET FISCAL OFFICE
Attorneys for Defendant
86 Chambers Street
New York, New York 10007

BY: JOHN D. CLOPPER, Esq., of Counsel

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A K I N T U N D E O. S. A K I N Y E M I,
called as a witness, having been first
duly sworn by Elizabeth Santamaria, a
Notary Public within and for the State of
New York, was examined and testified as
follows:

DIRECT EXAMINATION

BY MR. CLOPPER:

Q. Please state your full name for the
record.

A. Akintunde Olubukola Seweje Akinyemi.

Q. Where do you presently reside?

A. 36 Hennessy Place, New Jersey 07111.

Q. If I could ask, it was my
understanding that you went by Mr. Seweje.

A. Olubukola Seweje.

Q. Not Mr. Akinyemi?

A. Not Mr. Akinyemi.

Q. My name is John Clopper. I am an
Assistant United States Attorney for the Southern
District of New York. I represent the Secretary
of the Department of Homeland Security, Michael
Chertoff in this case and I am going to be asking
you a series of questions.

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A. Akinyemi

feel you couldn't testify truthfully today?

A. There is no other reason.

Q. Where are you currently employed?

A. I am currently employed with Boston Coach.

Q. How long have you been employed there?

A. About three years now.

Q. Annually how much do you make at Boston Coach?

A. I would say about \$24,000, \$26,000.

Q. And you have made about that amount for each year you have worked there?

A. For each year, yes. At least on the average.

Q. Where did you work before you worked for Boston Coach?

A. Before I worked for Boston Coach I was working with American Express.

Q. American Express?

A. Yes.

Q. What did you do for them?

A. I worked in their IT department.

Q. And how long did you work there?

1 A. Akinyemi

2 A. I worked there for a little over a
3 year.

4 Q. Do you remember from when to when
5 you worked there?

6 A. I would say maybe around 2000 to
7 2001.

8 Q. And then did you start working at
9 Boston Coach in 2001?

10 A. No.

11 Q. What did you do after you worked at
12 American Express?

13 A. At that time I was -- after 9/11 I
14 was laid off and I was looking for a job during
15 those time.

16 Q. About how long were you unemployed?
17 From when to when?

18 A. From like -- I would say from 2002
19 to about 2003, thereabouts.

20 Q. And in about 2003 is when you went
21 to work for Boston Coach?

22 A. I would say 2004.

23 Q. So you were unemployed until you
24 went to work for Boston Coach?

25 A. I was unemployed.

A. Akinyemi

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Q. And you went to work for Boston
Coach around 2004?

A. Yes.

Q. I don't think I asked. How much
money did you make when you worked for American
Express?

A. I was making \$45,000.

Q. A year?

A. Yeah.

Q. Other than the income from your jobs
and the income from your wife's job at Customs and
Border Protection, what other income has your
family had since December 2005?

A. None.

Q. Has your wife worked since she left
or was terminated from Customs and Border
Protection?

A. She didn't work until -- she started
working about maybe this week or last week.

Q. This week or last week?

A. Yes.

Q. Where did she start working?

A. She started working with Fed Ex.

Q. So prior to this week or last week

A. Akinyemi

she hadn't worked?

A. No.

Q. What is she doing now for Federal Express?

A. Assistant manager.

Q. Assistant manager?

A. Yes.

Q. Do you know about how much money she makes?

A. She is still in training. I don't know.

Q. How old are you now?

A. I am forty.

Q. Forty?

A. Yes.

Q. Where were you born?

A. I was born in Nigeria.

Q. When did you immigrate to the United States?

A. In '94, '95.

Q. '94, '95?

A. Yes.

Q. Have you ever used another name?

A. The only name I have ever used is

1 A. Akinyemi
2 Akintunde.

3 Q. Do you have a Social Security
4 number?

5 A. Yes.

6 Q. What is it?

7 A. 099-84-2252.

8 Q. Are you married?

9 A. Yes, I am married.

10 Q. To whom?

11 A. To Yemisi.

12 Q. When were you married?

13 A. We were married in 1992.

14 Q. This is when you were living in
15 Nigeria?

16 A. Yes.

17 Q. Do you live together now?

18 A. Yes, we do.

19 Q. And you have lived together for the
20 entire period that you have been married?

21 A. Yes.

22 Q. Have you ever been separated?

23 A. No.

24 Q. Did you do anything to prepare for
25 the deposition today?

1 A. Akinyemi

2 Q. To the best of your recollection,
3 what have you discussed with your wife about the
4 case?

5 A. The only thing I discussed is just
6 knowing the position of things, what is going on.
7 You know, how far have you gone, how far have they
8 gone with the investigation from her office.

9 Q. Did you specifically discuss your
10 testimony here today?

11 A. Not at all.

12 Q. Do you remember the events of
13 December 5, 2005?

14 A. Yes, I do.

15 Q. I am going to ask you some questions
16 and we will just go through the day.

17 What do you remember happening first
18 on the morning of December 5, 2005? If you just
19 tell me in your own words how your day started.
20 You should take as much time as you need.

21 A. That's okay. It was a sad day. At
22 about 3:00 a.m. on that Monday I received a call
23 that my dad passed away. Very sad. I cried all
24 night long. Prior to that day we had spoken on
25 the phone.

1 A. Akinyemi

2 Even though he had been sick we had
3 spoken on the phone and he said, "It's okay. It
4 will get better." That was on a Saturday. I told
5 him that God will keep you and that I will see you
6 on Tuesday. When they called me, he died on that
7 day and I was -- I was sad and that was the day I
8 was traveling to Nigeria, and I packed up my
9 things and about the time I was supposed to leave
10 the house my wife came down and she drove me to
11 the airport. And on getting to the airport we
12 took my luggage out and went on the line.

13 I was maybe like -- I don't know.
14 Maybe I was the last person to check my luggage,
15 but as we got to the airport a few of my -- two of
16 my cousins were there waiting for me and
17 immediately they saw me. They left me with the
18 luggage. One female, one male. The female was
19 pregnant so she couldn't carry any luggage, but
20 she was standing way out and she was there while I
21 was doing my luggage, my wife was standing with
22 her. They were talking and stuff like that.

23 So when I checked in my luggage with
24 one of my cousins, the male cousin of mine, prior
25 to that time he had a luggage that I wanted to

1 A. Akinyemi

2 send to Nigeria so he came with the luggage to the
3 airport. So when we got there we had to pay for
4 the luggage and upon payment he doesn't have cash,
5 but I have cash with me that I want to pay, but
6 the lady at the counter said no. She wouldn't
7 take part cash and part credit card. She said it
8 is either we pay with credit card, that she is not
9 going to accept part cash, part credit.

10 So my cousin used his credit card to
11 pay for the excess luggage. And that was what
12 happened at the check-in counter. And to the best
13 of my knowledge, I have a lock --

14 MR. OKOLI: Anyway, he already
15 said how your day started. So I think
16 we would rather do this -- instead of
17 having a long kind of story we would
18 like to have it question and answer.
19 Wait for the next question.

20 THE WITNESS: Okay.

21 Q. I am going to back up a little.

22 A. Okay.

23 Q. Was December 5, 2005 a Tuesday?

24 A. It was a Monday.

25 Q. Monday. Sorry. Prior to your

A. Akinyemi

father's death you were intending to travel on
that day?

A. Yes.

Q. To see him?

A. Yes.

Q. With whom did you go to the airport?

A. With my wife.

Q. Just your wife. You drove to the
airport?

A. She drove.

Q. You met two cousins at the airport?

A. Yes. And one of my uncles, too.

Q. Who went with you to the ticket
counter?

A. My male cousin.

Q. What is your male cousin's name?

A. His name is Taiwo Ajayi, and the
other female cousin is Bukola Kayode. That was a
female. Both of them were there.

Q. And your uncle?

A. Yes.

Q. What is his name?

A. James Deledilly.

Q. Is it true that you and your male

1 A. Akinyemi
2 cousin went to the ticket counter?

3 A. Yes.

4 Q. And your male cousin had some
5 luggage he wanted to send to Nigeria with you?

6 A. Yes. And I, too, have another
7 excess luggage.

8 Q. Pardon me?

9 A. I have another excess luggage. So
10 there are two excess luggage.

11 Q. What happens with excess luggage?
12 You have to pay?

13 A. You have to pay.

14 Q. Where was your wife, Ms. Akinyemi,
15 while you were at the ticket counter?

16 A. She was with my female cousin.

17 Q. About how far away was she standing?

18 MR. OKOLI: Can you use this
19 room to illustrate?

20 A. From this end to that end is where I
21 came out from. Where we came in through.

22 Q. From the elevator?

23 A. No, not from the elevator. From
24 that corner there.

25 MR. OKOLI: The door leading

1 A. Akinyemi

2 into this place.

3 A. No. From that corner where we make
4 a right.

5 Q. Right after we got the elevator?

6 A. When we come inside you said make a
7 right. But that, I believe there is an opening
8 there from that place to this place. That
9 distance. She was far away from it.

10 Q. We are on the fifth floor of the
11 U.S. Attorney's office on 86 Chambers Street in
12 conference Room 515 and you are saying your wife
13 was about the same distance from where we are in
14 the conference room to the doorway that leads to
15 the elevators?

16 A. Distance she was very far, yes. She
17 was very far.

18 Q. At any time did your wife approach
19 the ticket counter?

20 A. No.

21 Q. At any time did your wife speak with
22 the ticket agent?

23 A. No.

24 Q. How many bags did you have that you
25 needed to check to get onto the flight?

1 A. Akinyemi

2 A. With my cousin's they are four.

3 Q. Do you know what was in the bags?

4 A. Yes.

5 Q. Did you talk to someone at the
6 ticket counter?

7 A. Only the lady who was checking my
8 luggage.

9 Q. And what was the conversation, to
10 the extent you remember it?

11 A. The conversation that I remember was
12 like -- after she finished checking the luggage I
13 told her, can you please -- because I bought --
14 what you call? A lock. The Lock I bought it at
15 the airport it is for -- they put TSA on it. That
16 is an agency at the airport. So they said if I
17 bought the lock I can use it to lock my, you know,
18 my baggage. So after she finished she said, can
19 you please help me lock with the lock? She said,
20 "No." I said, "Why? Then, do I waste my money to
21 buy this lock?"

22 Then the handler, the baggage
23 handler then said, oh, that if I really want to
24 lock it that I can go and lock it downstairs. And
25 since I don't have anything in there I just throw

1 A. Akinyemi

2 the lock inside my pocket and walk away.

3 Q. Which baggage handler said this to
4 you?

5 A. At the airport there. I don't know
6 his name.

7 Q. An employee of the airport?

8 A. An employee of the airport.

9 Q. What was this lock that you said you
10 bought?

11 A. They put TSA, transport Security
12 Administration. They have a lock with their name
13 on it. That was the lock I bought.

14 Q. Who sold this to you?

15 A. I bought on a previous trip before
16 this one.

17 Q. It was your understanding once you
18 had this lock you could lock your bag at the
19 ticket counter?

20 A. And that lady said, the system have
21 changed. You cannot lock your luggage here.

22 Q. And the baggage handler said?

23 A. If I want to, that I could go
24 downstairs and lock it. I said, "Where? Let's
25 forget about it." Because on that day I am not

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A. Akinyemi

happy. So because of that I just want everything to, you know, I don't want any headache. I don't want -- I have had enough of the day.

Q. At the ticket counter was there any discussion of your wife's position as an employee of Customs and Border Protection?

A. At the counter?

Q. At the ticket counter did anybody mention your wife's position as an employee of Customs and Border Protection?

A. She is not even there. No. Okay.
No.

Q. What was in the bags?

A. My clothes and the other one my cousin brought has children's clothes in it. Used clothes, you know. They donate it to various people in Nigeria.

Q. Anything else?

A. No.

Q. Do you know who the baggage handler worked for?

A. He worked for, I believe -- I believe he worked for Air France. Because it was right behind them at the counter when you, you

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A. Akinyemi

know, when you put your luggage on the trolley to go back, he was standing right there. I don't know him.

Q. After you left the ticket counter, where did you go after that?

A. After that I went to where my wife was standing with my cousin. We were there. She had already bought them coffee and she asked me, do I need coffee. I said, no, I am not in the mood for coffee. After that they bid me farewell and I went downstairs to proceed inside.

Q. Who accompanied you, if anybody, to the gate area?

A. To the gate area? It was only me and my wife.

Q. As you entered into the gate area did you go through TSA security?

A. Yes, I did.

Q. Did you go through the metal detector?

A. Yes.

Q. Did you have whatever carry-on bags that you had?

A. No. Prior to that time, on the line

A. Akinyemi

my wife told me, "Oh, you have to remove your shoes. You have to remove your shoes and remove everything you have." Like my watch and everything. I said, "Oh, this is the new law now." So she -- from there she just went inside and I was still on the line and I went through the metal detector and push everything through.

Q. And your wife went around TSA security?

A. Yes.

Q. So she went in an area where --

A. I don't know how she went because I was on the line, but I know I met her inside.

Q. You met her back in the gate area?

A. No. I met her inside.

Q. What do you mean by inside?

A. Inside this, after the metal detector.

Q. Did your wife carry anything with her when she went around security that you took with you on the plane?

A. Not at all.

Q. What happened after you met back with your wife inside after TSA security? What

A. Akinyemi

1
2 did you do?

3 A. She was just, you know, we were just
4 talking, talking to me. You know, just consoling
5 me.

6 Q. Did you go to the gate area?

7 A. Did I go to the gate area?

8 Q. Yes.

9 A. Where is the gate area?

10 Q. Where you board the plane.

11 A. At that time, no. I was at the
12 waiting area where you sit down before you board
13 the plane.

14 Q. How long were you there for?

15 A. I would say I was there for -- at
16 that time she had already left. So at that time I
17 was there waiting I would say for -- I can't
18 remember. But I was like the last person there to
19 go in.

20 Q. So after you met your wife back
21 inside, after the security --

22 A. Yeah. We spoke for about five
23 minutes and she said she had to go. Because
24 probably she had to go back to work or something.

25 Q. So your wife left and you stayed and

A. Akinyemi

sat and waited?

A. Yes.

Q. Did there come a time when you got up to board the plane?

A. To board the plane, yeah.

Q. And tell me what happened after you got up and went to board the plane?

A. When I got up to board the plane the airline tear my boarding pass and give me the other one to go inside, and after that I went in.

Q. Other than having someone take your boarding pass, did you speak with anyone before you boarded the plane?

A. No. I didn't speak to nobody.

Q. Did you speak to a CBP officer, that you recall?

MR. OKOLI: Before you went to board the plane.

A. Before I went to board the plane?

No.

Q. And then you boarded the plane?

A. No.

Q. What happened?

A. What happened was like in the middle

A. Akinyemi

of the tunnel, like you go down, you have to go through before you make a left and go up a little bit inside the plane. At the middle of that tunnel I found the money in my -- I realized that I have the \$150 in my wallet to give back to my cousin who had paid for my excess luggage. Inside the tunnel my phone doesn't have a -- what do you call it? My phone is not working. So I had to go back out, out of the gate to the waiting area. I am getting to the waiting area with the intention of asking the officers, can I use your phone?

At that time, my phone started working. I believe it's the tunnel that doesn't have a signal. So I started working and I was like, "Oh, excuse me, officer. Can I quickly go outside? I want to give my wife something." And that was ...

Q. I think you said you walked down the tunnel, you were halfway down the tunnel?

A. Halfway down the tunnel, yes.

Q. By tunnel, have you ever heard -- excuse me. Have you ever heard it referred to as the Jetway?

A. I have never heard it.

A. Akinyemi

Q. You just mean the hallway after they take your boarding pass but before you get on the plane?

A. Before you get on the plane.

Q. So you were about halfway down and you stopped --

A. And came back out.

Q. Did you ever set foot on the plane?

A. No.

Q. Other than what you have testified to, which is you realized you had \$150 you needed to give back to your cousin for the excess baggage, was there any other reason why you turned around and came back through the tunnel?

A. No.

Q. After you exited back from the tunnel, what happened?

A. That was another sad day for me, because my intention was asking the officer, can I do this? And to this point I was expecting "yes" or "no." All of a sudden my question leads to my interrogation.

Then the officer -- it is a male and female officer. Then the officer said, "Oh, where

A. Akinyemi

are you going?" I said, "Where am I going as how? I just came to tell you that can I just go and give something to my wife that I forgot in my pocket?" He said, "No. I mean where are you traveling to?" I said, "I am going to Nigeria." He said, "You are going to Nigeria? Where is your passport and your ticket?" "This is my passport and my ticket. And what do you do?"

I told him, I am a limo driver.

"Where did you get -- where did you get the money to buy ticket? I said, I worked for it. Then he said, a lot of questioning. At that time I was like why am I -- what is all this about? I am saying that to myself. All I need from you is just yes or no. The next thing he said, "Oh, where is your wife?" I said, "My wife is outside. And now that I have spoken to her she is almost at the parking lot. Can I call her or can I just go outside to meet her? That was what I needed from you."

He said, "Oh, no." A lot of questions that I can't even start talking. So at that point in time he started saying, "Oh. How did you get the money? What do you do? Where is

A. Akinyemi

your wife?" She is out in the parking lot. She must have been in the parking lot now. Okay? Then I called my wife to at least meet me outside by the TSA so I can at least give her the money. So along that line the female officer said, "Oh, yes, let him go." But the male officer said, "No." Then it was at that time I told him that, "Officers, my wife is a colleague of yours." She is a custom and border protection officer like you. Then the male officer now asked me, your wife? Your wife is a custom officer? I said, yes. What is her name? I gave her the name. Then the female officer now said -- because the male officer asked her, have you ever heard that name before? Then the female officer said, "that name rings a bell. Well, I really can't picture her face.

Then at that point in time we were like in the sitting area. The officer said, "In that case, why don't you just call her?" Then that was when I called my wife and she came and I gave her the money.

Q. Other than what you just testified to, you have said that -- you used the words

1 A. Akinyemi

2 interrogation and you said that there was a lot of
3 questioning. Other than what you have testified
4 to, do you recall any of the other questions that
5 were asked of you or your answers?

6 A. Most of the questions he asked was
7 like, your wife, where is your wife from? Then I
8 told her, she is a Nigerian American. Probably
9 from before my wife came. Then after my wife came
10 the lady said, "Oh, I know her."

11 Probably the officer asked me,
12 "Where does your wife work?" Then I said, "She
13 works at the Federal building in Newark, New
14 Jersey, Raymond Boulevard." That was when I told
15 her she works there and when my wife came
16 approached us like oh -- the female said, "Oh, I
17 know her." And she came and I gave her the money
18 there in their presence, \$150, and we kiss and I
19 went back in.

20 Q. Anything else about the conversation
21 with the CBP officers that you remember?

22 A. That's what I can remember right
23 now. That's the only one I remember.

24 Q. Tell me what happened when your wife
25 came back when she approached. What did you say

A. Akinyemi

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to her?

A. I just told her that -- on the phone I told her, please come and take this money from me to give to my cousin to pay his bill, when his bill comes -- when the bill -- you know, because I don't want the situation where my cousin will receive the bill and realize that why would they charge me twice? You know, so I said, come and take the money so you can give him to pay the bill. That was the conversation with her.

Q. When you were talking with the CBP officers after you came back out from the tunnel, where were you talking to them?

A. They were right by the sitting area.

Q. And when your wife came back and approached you, where were you standing?

A. I was by that sitting area.

Q. Did your wife speak with the CBP officers?

A. I mean they are colleagues. She is in uniform they would have said, hello, how are you. But I can't remember what they said.

Q. I think you testified that you gave your wife \$150?

A. Akinyemi

A. Yes.

Q. Did you give your wife anything
else?

A. No.

Q. Did your wife give you anything?

A. No.

Q. Other than giving your wife the
\$50 --

A. \$150.

Q. Sorry.

-- the \$150, what do you remember
about your conversation with your wife?

A. That was the only conversation we
had. And part of the conversation we said it on
the phone that, you know, come and take this money
and give it to my cousin.

Q. How long was your wife, after she
returned from when she left again, how long was
she there for?

A. It's just a matter of this is the
money and we hug. That was it.

Q. I think you said less than three
minutes. Is that what you said?

A. Less than three minutes.

A. Akinyemi

Q. Then what happened after that?

A. After that I went in the plane.

Q. Did you have any further discussion with the CBP officer?

A. No.

Q. Did you have any discussion with any representative from Air France?

A. No.

Q. It was an Air France plane?

A. It was Air France.

Q. I forgot to ask. Did you have a discussion with any Air France representative when you were -- after you had had your boarding a taken? Did you ever have another discussion with an Air France representative?

A. No.

Q. And so after your wife left --

A. I just went back in.

Q. And boarded the plane?

A. Yes.

Q. And did you get back off the plane after that?

A. No.

Q. Have you ever discussed any of the

A. Akinyemi

events that your wife alleges were discriminatory?

A. With my wife?

Q. Yes.

A. She only told me that. And I felt that way, too when, discussing about it. That male officer was too mean.

Q. Sorry. Say that again.

A. Too mean.

MR. OKOLI: The male officer was mean.

A. The male officer was too -- How would I say it? For somebody to just create, you know, I would say hatred. That's what I mean by mean, to me.

Q. What about these events did your wife say to you she thought was discriminatory?

A. Did she say that? Yes, she did.

Q. Let me try that again. Why does your wife believe that these events were discriminatory? Or what did she tell you about why she believes that these events were discriminatory?

MR. OKOLI: If she told you that.

1 A. Akinyemi

2 Q. If she told you that.

3 A. No because I mean with the officer's
4 attitude towards me, why should I need to come to
5 you? Simple question, "yes" or "no" and the next
6 thing is "Where is your passport? You are
7 Nigerian? How did you get the money? How did you
8 marry your wife?" It's like some classes of
9 people are not entitled to marry some classes of
10 people. So because my wife is a Customs Officer,
11 that's the way I felt. My wife is a custom
12 officer, I am a limo driver so I can't marry her?
13 "And where did you get the money?" "How did you
14 get the money?" "That's why I told you that I
15 work."

16 Q. You are aware that eventually your
17 wife was terminated from CBP. Has your wife ever
18 told you why she believes her termination from
19 employment was discriminatory?

20 A. She told me because of her
21 nationality.

22 Q. And what did she say as to why she
23 thought her termination was motivated by racial or
24 natural origin discrimination?

25 A. Because she hasn't done anything --

A. Akinyemi

1 she hasn't got a warning letter from anybody. No
2 written, nothing from nobody. Nothing from -- she
3 hasn't even offended anybody to be given a warning
4 letter. And the officer invited her to come. The
5 officer said, "Call her." And my thought was like
6 the officer wanted to know if I'm lying or not
7 that my wife work for CBP. He wanted to see
8 himself. Because the female officer said, "Let
9 him go."

10
11 Q. What do you mean when you say the
12 officer invited her?

13 A. She asked me to call her so she can
14 come.

15 MR. OKOLI: When you say the
16 officer, you are talking about the
17 male?

18 THE WITNESS: The male
19 officer.

20 MR. OKOLI: First you said,
21 male, female.

22 THE WITNESS: The male officer
23 said, "Call her. She can come in."
24 So if you call somebody to come and
25 see you, why do you have to report

1 A. Akinyemi

2 the -- I am talking about the male
3 officer -- who said I should invite my
4 wife to come inside. My thing is if
5 it's not discriminatory, if he doesn't
6 have any hatred for Nigerian, why
7 would you say she should come in and
8 at the same time turn back to report
9 her?

10 Q. You exited the tunnel. You came
11 back off the tunnel in order to contact your wife,
12 correct?

13 A. Yes.

14 Q. Are you aware that your wife was
15 terminated for bypassing TSA security while she
16 was off duty?

17 A. I wasn't aware.

18 Q. What is your understanding as to why
19 your wife was terminated from employment?

20 A. My understanding -- to be honest
21 with you, my understanding is probably guilt by
22 association. Being a Nigerian, being married to a
23 limo driver. That is it.

24 Q. And to your knowledge has anybody at
25 CBP ever said to her that she was being fired

A. Akinyemi

because she was Nigerian?

A. I don't talk to anybody from there.
I don't know anybody from that job.

Q. To your knowledge, has your wife
told you that anyone has said those things to her?

A. No.

Q. Is there anything else that your
wife has said to you about why she thinks she was
treated in a discriminatory manner?

A. No.

Q. After your wife was terminated from
employment from CBP, what did she do, if anything,
to try to look for work?

A. She keep going to the unemployment
center. She said she would go in the Internet
looking for job and stuff like that.

Q. When did she start looking for work?

MR. OKOLI: To the extent you
remember.

A. She started looking for job I would
say in January of maybe '06.

Q. And tell me again. I think you said
unemployment office?

A. I mean the unemployment office, they

A. Akinyemi

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have?

A. That's it.

Q. Mortgage?

A. No, we don't have any. We are trying our best to pay.

Q. But you do have a mortgage?

A. We have a mortgage.

Q. How much debt is outstanding on the mortgage?

A. I don't know. She has all the records.

Q. Have you ever been subjected to any government investigation?

A. Never.

MR. OKOLI: That you know.

A. Not that I know. Somebody can investigate you and you don't know about that.

Q. Have you ever been arrested?

A. No.

Q. Have you ever sought or received treatment for alcohol or drugs?

A. I don't drink, I don't smoke.

Q. Have you ever sought or received treatment for alcohol or drugs?

A. Akinyemi

A. No.

Q. Your wife, did she ever seek any medical or professional help after she was terminated from CBP?

A. That I don't know. The only thing I know is that she gets counseling from the church. Counseling from the church, from time to time.

Q. Never went and saw a doctor?

A. I don't know about it.

MR. CLOPPER: I don't have anymore questions. Thank you very much.

MR. OKOLI: I have just a few questions for you, sir.

EXAMINATION BY

MR. OKOLI:

Q. Your father died in December 2005, correct?

A. Yes, sir.

Q. When was he, in fact, buried? When was the funeral held?

A. The funeral was in April 2006.

Q. Did you go for that funeral?

A. Yes, I did.

A. Akinyemi

Q. Did your other siblings go for the funeral?

A. Yes, everybody came.

Q. The ones who are married, your siblings that are married, did their spouses attend the funeral?

A. Yes, they did.

Q. The ones that have children, did the children attend funeral?

A. Yes, they all came.

Q. Did your wife attend the funeral?

A. No.

Q. Did any of your children attend your father's funeral?

A. No.

Q. So neither your wife nor your children paid their last respects to your father?

A. Not at all.

MR. OKOLI: I'm sorry. That will be all.

MR. CLOPPER: I have just one question.

FURTHER EXAMINATION

BY MR. CLOPPER:

1 A. Akinyemi

2 Q. Could I ask, and I know that this is
3 difficult, if your father died in December 2005,
4 why is it that the funeral was in April 2006? Is
5 that customary?

6 A. That is the tradition.

7 Q. What happens during that period?
8 Why is that, if you can explain that to me?

9 A. They have to do some traditional
10 event because he is a high chief in the town and
11 there is a special tradition they have to do
12 before they put him in the ground. So he has to
13 stay for a longer period of time.

14 Q. Did you stay in Nigeria when you
15 first arrived until the final burial?

16 A. No. I came back in February.

17 Q. You came back in February and then
18 returned in April?

19 A. Yes.

20 Q. Why didn't your wife attend?

21 A. Can't afford to pay the ticket.

22 MR. CLOPPER: I don't have any
23 further questions.

24 THE WITNESS: Thank you, sir.

25 (Time noted: 12:47 p.m.)

57

C E R T I F I C A T E

STATE OF LAGOS:COUNTY/CITY OF IKEJA:

Before me, this day, personally appeared
 AKINTUNDE OLUBUKOLA SEWEJE AKINYEMI, who, being duly
 sworn, states that the foregoing transcript of his
 Deposition, taken in the matter, on the date, and
 at the time and place set out on the title page
 hereof, constitutes a true and accurate transcript
 of said deposition.

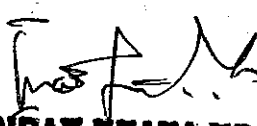


AKINTUNDE OLUBUKOLA SEWEJE AKINYEMI

SUBSCRIBED and SWORN to before me this 28th
 day of December, 2007, in the
 jurisdiction aforesaid.

NOT APPLICABLE

My Commission Expires


FRIDAY NNANA UDOM
 SOLICITOR & NOTARY PUBLIC
 6. OSHITELU
 LAGOS STATE
 Tel: 234-(0)8023015842
 234-(0)8022217811

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28/12/07

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Page 10 Line 3 "No" should read ("Yes") I said no, because I meant full time job.

Page 14 Line 10 "my wife came down and drove me to the airport" should read ("my wife met me at the airport") she does not drive to work; she drove the car back from airport home.

Page 16 Line 11 "she drove" should read ("I drove")

O. Akintunde Seweje
Akintunde Olubukola Seweje-Akinyemi

Imfida
FRIDAY NNANA UDOM ESQ.
SOLICITOR & NOTARY PUBLIC
6. OSHITELU R. IN. J.,
LAGOS STATE NIGERIA
Tel: 234-(0)8023015842
234-(0)8022217811

28/12/07

